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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application	09/786,235	
	Filing Date		
	First Named	Diane M. Gajewczyk	
	Group Art Unit		
	Examiner Name		
Total Number of Pages in This Submission	7	Attorney Docket Number	1038-1129 MIS

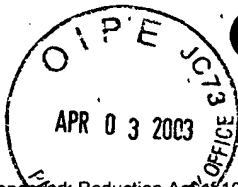
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1. Petition to Revive an Unintentionally Abandoned Application
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	2. Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Michael I. Stewart (Reg. No. 24,973)
Signature	
Date	April 2, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: <input type="text"/>			
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PTO/SB/17 (1-03)
Approved for use through 04/30/2003. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$1,300.00

Complete if Known

Application Number 09/786,235
Filing Date
First Named Inventor Diane M. Gajewczyk
Examiner Name
Group Art Unit
Attorney Docket No. 1038-1129 MIS

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METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit
Account
Number

Deposit
Account
Name

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☐ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND

Extra Claims		Fee from below	Fee Paid
Total Claims	-20** =		
Independent Claims	-3** =		
Multiple Dependent			

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) \$0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	1,300.00
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$1,300.00

SUBMITTED BY

Name (Print/Type) Michael I. Stewart
Signature

Registration No.
(Attorney/Agent)

24973

Complete (if applicable)

Telephone

(416) 595-1155

Date

April 2, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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DNF #9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Diane M. Gajewczyk et al.
Appl'n. No. : 09/786,235
I.A. Filing Date: September 3, 1999
Title : TREATMENT OF CERVICAL CANCER
Grp./A.U. :
Examiner :
Docket No. : 1038-1129 MIS:jb
Date : April 2, 2003

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International Division

BY COURIER

The Assistant Commissioner for Patents
Box PCT,
Washington, D.C. 20231,
U.S.A.

Attention: The PCT Legal Office

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Sir:

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION Under 37 CFR 1.137(b)**

Petition is hereby made under the provisions of 37 CFR 1.137(b) to revive this application. The application became abandoned for failure to file a timely complete response to a Notice of Defective Response in timely manner. (see enclosed copy of a Decision dated February 4, 2003 in a Petition under 37 CFR 1.47(a)).

In support of this Petition, the Petition fee is enclosed. In addition, it is hereby stated, under the signature of the undersigned, that the entire delay in filing the required reply from the due date for the reply until the filing of this Petition was unintentional.

It is noted that the Petition under 37 CFR 1.47(a), submitted May 7, 2003, constituted the required reply to the Notice of Defective Response dated February 20, 2003.

Under the circumstances, it is submitted that the application should be revived to permit the Revived Petition under 37 CFR 1.47(a) to be considered.

Respectfully submitted,



Michael I. Stewart
Reg. No. 24,973

Toronto, Ontario, Canada,
(416) 595-1155
FAX No. (416) 595-1163

04 FEB 2003

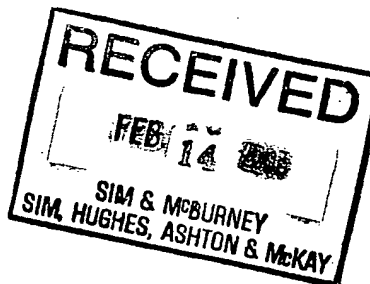


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Michael I. Stewart
SIM & McBURNEY
6th Floor, 330 University Avenue
Toronto, Ontario
Canada M5G 1R7



In re Application of
GAJEWCZYK, Diana M. et al
U.S. Application No.: 09/786,235
PCT No.: PCT/CA00/00807
Int. Filing Date: 03 September 1999
Priority Date: 04 September 1998
Attorney Docket No.: 1038-1129 MIS:jb
For: TREATMENT OF CERVICAL CANCER

DECISION

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This is a decision on the papers submitted by applicants' in the above-captioned application.

BACKGROUND

On 02 March 2001, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, an unexecuted declaration.

On 02 April 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 and Notification of Defective Oath of Declaration (Form PCT/DO/EO/917) indicating that the declaration was not executed in accordance with 37 CFR 1.66 or 37 CFR 1.68. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a). It was also noted that failure to submit an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within the time period set would result in abandonment of the application.

On 29 June 2001, applicants submitted various documents including a declaration signed by seven of the eight co-inventors.

On 20 February 2002, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916) indicating that the declaration submitted was not in compliance with 37 CFR 1.497(a) and (b) because it was not properly executed. Applicants were given a time limit of one month. No extension of this time limit pursuant to 37 CFR 1.136(a) was allowed.

On 20 March 2002, applicants submitted a document titled "Response to Notification of Defective Response" along with copies of documents previously

submitted on 29 June 2001.

On 07 May 2002, applicants submitted the instant petition which was accompanied by, *inter alia*, a "Declaration under 37 C.F.R. 1.47(a)" signed by Michael I. Stewart, a \$130.00 petition fee and extension of time request with a \$400.00 fee.

On 29 July 2002, applicants filed a substitute "Declaration under 37 C.F.R. 1.47(a)" signed by Michael I. Stewart due to an inadvertent error.

DISCUSSION

Applicants were given only one month to provide a proper response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 20 February 2002. (There was no time remaining in the Notification of Missing Requirements mailed 02 April 2001.)

A proper response would have been a declaration in compliance with 37 CFR 1.497(a) and (b), or an appropriate petition. Instead applicants submitted a letter stating that they were "preparing a Petition under 37 CFR 1.47(a)" and copies of documents previously submitted on 29 June 2001.

This is not considered to a bona fide response to the Form PCT/DO/EO/916.

On 07 May 2002, applicants submitted a petition under 37 CFR 1.47(a) along with an extension of time request which would have been an appropriate reply to the Form PCT/DO/EO/916. Nevertheless, the time limit of the Form PCT/DO/EO/916 had expired and no extension of time was available.

CONCLUSION

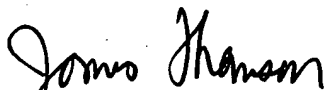
For the reasons discussed above, the above-captioned application is hereby **ABANDONED** for failure to properly respond to the Form PCT/DO/EO/916 within the time period set for response.

Since the above-captioned application is abandoned, applicants' petition under 37 CFR 1.47(a) will not be considered at this time. It is noted that applicants would have failed to meet all the requirements outlined in section 409.03(d) of the Manual of Patent Examining Procedure (8th Ed.) if the petition had been considered.

If reconsideration on the merits of this decision is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Applicants may wish to revive the above-captioned application by providing a petition under 37 CFR 1.137(a), or 37 CFR 1.137(b) along with the appropriate fee.

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.


James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457